

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. \_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	CERTIFICATION OF A
	)	SEXUALLY DANGEROUS PERSON
STEVEN G. MARSH,	)	
Register Number 41872-039,	)	
	)	
Respondent.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 14<sup>th</sup> day of February, 2011.

George E. B. Holding  
United States Attorney

By: /s/ W. Ellis Boyle  
W. ELLIS BOYLE  
Assistant U.S. Attorney  
Attorney for Petitioner  
U.S. Attorney's Office Civil Division  
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Suite 800, Federal Building  
Raleigh, NC 27601-1461  
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E-mail: ellis.boyle@usdoj.gov  
N.C. Bar # 33826

CERTIFICATE OF SERVICE

This is to certify that I have this 14<sup>th</sup> day of February, 2011, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. mail for delivery to:

Steven G. Marsh  
Reg. No. 41872-039  
FCI Butner  
P.O. Box 1000  
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender  
150 Fayetteville Street Mall  
Suite 450  
Raleigh, North Carolina 27601

/s/ W. Ellis Boyle  
W. ELLIS BOYLE  
Assistant U.S. Attorney  
Attorney for Petitioner  
U.S. Attorney's Office Civil Division  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461  
(919) 856-4530  
Fax: (919) 856-4821  
E-mail: ellis.boyle@usdoj.gov  
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**CERTIFICATION OF A SEXUALLY DANGEROUS PERSON**

(1) I, Ivonne E. Bazerman, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248.

(2) Bureau records reflect the following: Inmate Steven G. Marsh, Register Number 41872-039, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 60-month term of imprisonment and three-year term of supervised release, following his conviction for Failure to Maintain Records of Production of Sexually Explicit Material, in violation of 18 U.S.C. § 2257 (E.D. Mich.) (Case No. 07CR20552-01). His offense conduct included producing sexually explicit photographs of a 16-year-old mentally-handicapped juvenile male. His projected release date is February 15, 2012.

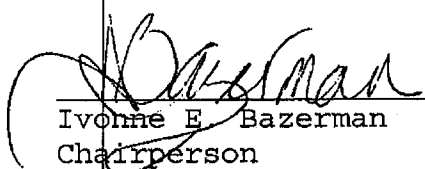
(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his current offense conduct. Additionally, he has prior convictions for: Attempted Criminal Sexual Conduct in the Fourth Degree, in the 74<sup>th</sup> District Court, Bay County, Michigan (Case No. 91-4017-FY), for engaging in sexual contact with a male victim through force or coercion and with reason to know that the victim was physically helpless, mentally incapacitated, or mentally incapable; and Assault With Intent to Commit Criminal Sexual Conduct in the Second Degree, in the 18th Circuit Court, Bay County, Michigan (Case No. 85-1055), for grabbing the arm of an 11-year-old female victim, pulling her onto a bed, telling her to massage his penis, and attempting to force her hand onto his penis;

(b) A psychological review and assessment indicated Axis I diagnoses of Paraphilia Not Otherwise Specified (Hebephilia); Alcohol Dependence, with Physiological Dependence, in a Controlled Environment; Cannabis Abuse (Provisional); and Depressive Disorder Not Otherwise Specified (by history); Axis II diagnosis of Personality Disorder Not Otherwise Specified, with Antisocial and Borderline Features;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his current and prior offense conduct, intimacy deficits, and poor general self-regulation, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
Ivonne E. Bazerman  
Chairperson  
Certification Review Panel  
Federal Bureau of Prisons

1/25/2011  
Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. \_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
STEVEN G. MARSH,	)	
Register Number 41872-039,	)	
	)	
Respondent.	)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a) (5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the August 04, 2010 Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This \_\_\_\_ day of February, 2011.

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United States District Judge